**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION No. 18434 of 2000

Between:

Bodugonda Kumar @ Komuraiah ..... PETITIONER

AND

1. The State of A.P., through Proh. & Excise Inspector,

Warangal Station.

2. The Deputy Commissioner of Proh. & Excise,

Warangal Division (FAC).

3. The Commissioner of Prohibition & Excise,

Andhra Pradesh, Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records and set aside the order passed by third respondent inC.R.NO.1242/DPE/2000/B2 dated 27.6.2000 by issuing the writ of certiorari directing the respondents to compound the offence if any as per Section 47(1) of the A.P. Excise Act and release the vehicle by accepting the value of vehicle as estimated or by accepting Rs.15,000/- deposited by the petitioner as per the order passed by the second respondent.

Counsel for the Petitioner : Mr. BANKATLAL MANDHANI
Counsel for Respondents : G.P. FOR PROH. & EXCISE

The Court made the following :

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**ORDER:**

Heard the learned counsel for Petitioner and the learned Government Pleader for Proh. & Excise.

The petitioner herein who is the owner of vehicle Zeep bearing No.A.P.5468, filed this writ petition, *inter alia*, seeking to assail the impugned orders of the Commissioner of Prohibition and Excise, Hyderabad, dated 27-06-2000, in rejecting the appeal filed by him against the orders of Deputy Commissioner of Prohibition and Excise, Warangal, dated 10-09-1998, confiscating Jeep bearing No.APW-T-5468.

The case of the petitioner is that he was not aware of the confiscation of the vehicle and no case has been made against him. However, a reading of the orders of both the authorities, makes it manifestly clear that the petitioner was aware of the involvement of the vehicle in transportation of illicit liquor.

Having regard to the concurrent findings of both the authorities,
I do not find no merit in the writ petition warranting interference of this Court in exercise of jurisdiction under Article 226 of the Constitution of India.

The Writ Petition is accordingly dismissed. No costs.

It is represented that as per the interim orders passed by this Court in W.P.M.P.No.23446 of 2000 on 23.1.2001, the vehicle was released on deposit of Rs.15,000/-. Having regard to the orders of confiscation, it shall be open to the respondent-authorities to confiscate the said vehicle by returning the amount of Rs.15,000/- to the petitioner.

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DA/KVR August 11, 2004

To

1. The Proh. & Excise Inspector, Warangal Station.

2. The Deputy Commissioner of Proh. & Excise,

Warangal Division (FAC).

3. The Commissioner of Prohibition & Excise,

Andhra Pradesh, Nampally, Hyderabad.

4 Two CCs to the G.P.for Proh. & Excise, High Court, Hyderabad.

5 Two CD copies.